

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Transportation Committee

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BILL: SB 758

INTRODUCER: Senator Sobel

SUBJECT: Driver Improvement Schools and Education Programs

DATE: March 1, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	<b>Favorable</b>
2.	_____	_____	ED	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill amends ss. 318.1451 and 322.095, F.S., relating to driver improvement schools and education programs for driver’s license applicants. This bill amends these sections to include course content regarding the risks associated with the use of handheld electronic communication devices while operating a motor vehicle. The Department of Highway Safety and Motor Vehicles is required to consider whether such information is included when determining whether to approve driver improvement school courses.

This bill amends ss. 318.1451 and 322.095 of the Florida Statutes.

**II. Present Situation:**

**Driver Improvement Schools**

Section 318.1451, F.S., as related to driver improvement schools, provides: (1) The Department of Highway Safety and Motor Vehicles (DHSMV, department) shall approve the courses and technology used as the delivery method of driver improvement schools; (2) In approving a driver improvement course, the department shall consider course content related to promoting safety, driver awareness, crash avoidance techniques, and other factors or criteria to improve the driver performance from a safety viewpoint; (3) The department may only consider those driver improvement schools that have obtained approval for statewide delivery; (4) Persons that elected to take courses through unapproved schools shall receive a refund from the school and may retake the course through a department approved school; (5) Approved driver improvement schools shall collect a fee of \$2.50 from each person who elects to attend a course which shall be remitted to the DHSMV and deposited in the Highway Safety Operating Trust Fund; (8) The

department is authorized to maintain records and information necessary for administration for driver improvement courses and may prepare a traffic school reference guide which lists the benefits of attending driver improvement schools and a list of approved course providers.

Currently, s. 318.1451, F.S., does not include criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle.

### **Traffic Law and Substance Abuse Education Programs**

Section 322.095, F.S., as related to traffic law and substance abuse education programs for driver's license applicants, provides: (1) DHSMV must approve traffic law and substance abuse education courses; (2) Curricula of these courses must provide instruction on the physiological and psychological consequences of the abuse of alcohol and other drugs, the societal and economic costs of alcohol and drug abuse, the effects of alcohol and drug abuse on the drive of a motor vehicle, and the laws of this state relating to the operation of a motor vehicle; (3) The course provider must obtain certification from the department that the course complied with the requirements of this section.

Currently, s. 322.095, F.S., does not include criteria for course curricula pertaining to the risks associated with the use of handheld electronic devices used for communication purposes while operating a motor vehicle.

### **III. Effect of Proposed Changes:**

The effects of the bill are as follows:

**Section 1:** The bill amends s. 318.1451, F.S., to require DHSMV to consider whether a driver improvement school's curriculum includes awareness of the risks associated with the use of handheld electronic communication devices while operating a motor vehicle when the department is approving such courses.

**Section 2:** The bill amends s. 322.095, F.S., to require an additional minimum course requirement to traffic law and substance abuse education courses. The bill requires such courses to include the risks associated with the use of handheld electronic communication devices while operating a motor vehicle.

**Section:** The bill will take effect July 1, 2011.

### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

There are currently 22 different organizations who are providers, some of which are multiple course providers. Providers not currently including such information in their curricula will likely experience a direct, but indeterminate fiscal impact due to the need to expand the curricula to meet the bill requirements.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.